

TOWN OF WILSON'S MILLS
TOWN COUNCIL MEETING
March 17, 2025

PRESENT: Mayor Fleta Byrd, Mayor Pro-tem JC Triplett, Councilmembers David McGowan, Carolyn Dobbin, Tim Brown, and Randy Jernigan.

OTHERS PRESENT: Town Administrator Leighanna Worley, Town Clerk Emily Matthews, and Town Attorney Gabriel Du Sablon.

CONVOCATION: Mayor Byrd declared a quorum present and called the meeting to order at 6:30pm.

PLEDGE Mayor Byrd led the pledge of allegiance to the flag.

INVOCATION: Mr. Jim Uzzle, Planning Board Member, gave the invocation.

APPROVAL OF AGENDA: Mayor Byrd asked for approval of the agenda.

A motion was made by Councilmember Tim Brown and seconded by Councilmember Randy Jernigan to approve the agenda as presented. Motion carried unanimously.

APPROVAL OF MINUTES: Mayor Byrd asked for any comments or corrections to the minutes for the Regular Town Council Meeting for February 17, 2025.

Regular Town Council Meeting- February 17, 2025: A motion was made by Councilmember David McGowan and seconded by Councilmember Tim Brown to approve the Regular Town Council Meeting Minutes for February 17, 2025, as presented. Motion carried unanimously.

Closed Session - February 17, 2025: Mayor Byrd asked for any comments or corrections to the minutes for the Closed Session for February 17, 2025.

A motion was made by Councilmember Randy Jernigan and seconded by Councilmember Tim Brown to approve the Closed Session Minutes for February 17, 2025, as presented. Motion carried unanimously.

Work Session Minutes - February 24, 2025: Mayor Byrd asked for any comments or corrections to the minutes for the Work Session for February 24, 2025.

A motion was made by Councilmember David McGowan and seconded by Councilmember Tim Brown to approve the Work Session Minutes for February 24, 2025, as presented. Motion carried unanimously.

Public Hearing: Attorney Du Sablon explained to Council that this Public Hearing is a quasi-judicial hearing meaning the Council must decide based on substantial and factual information presented by the applicants under oath. He also said there are due process considerations, and it is imperative that no one on Council should vote if they have a fixed opinion on the matter or have had any conversations prior to the hearing or have a familiar relationship or financial interest in the matter. Attorney Du Sablon said the vote will require a simple majority and the Mayor will only vote in the event of a tie. He also stated all evidence has to be factual.

Special Use Permit – 33 Swift Creek Road: Attorney Du Sablon asked if any member of Council has any information to disclose regarding the Special Use Permit. Mayor Byrd said prior to tonight's

meeting she visited the facility several times and she is knowledgeable of Hope Center Ministries and their purpose. She said she learned they are a faith-based facility that helps people after they have come out of rehabilitation facilities. It is a 12-month program, and the residents will be able to have a job and support themselves after leaving the program. Attorney Du Sablon asked if the mayor has a fixed opinion not susceptible to change and Mayor Byrd said she does not have a fixed opinion, and she could change her opinion based on the information presented.

Mayor Byrd opened the Public Hearing at 6:41pm.

Town Clerk Emily Matthews swore in all parties choosing to speak on the matter of the Special Use Permit.

Planning Director Oldham explained the nature of the application and further details from Request for Action in Council's packets. She said the address is currently 33 Swift Creek Road but will soon change to 91 Swift Creek Road. The location is currently zoned as mixed use, will be a woman only facility and there will be no more than 30 women housed at the facility. She said both staff and the Planning Board recommend approval by the Town Council. Council's options are to approve, table, or deny the Special Use Permit.

Applicant David DeYoung of 114 W Main Street in Clayton said it is planned for the entire building that is on the property to be used. He emphasized there would be no more than 30 women, and they are under 24/7 supervision.

Mark Hall from Hope Center Ministries shared his testimony of why this mission is important to him and why he wants Hope Center to come to Wilson's Mills. He said there are people from all walks of life and all who are admitted are well-vetted. He said there are facilities across the country including one in Wayne County. There is also an all-male facility planned to come to Eastfield Crossing Center in Selma.

Councilmember McGowan commended Mr. Hall for his honesty and testimony. He asked about children and families visiting and if any overnight visitors are allowed. Mr. Hall said overnight visitors are not allowed and every Friday is family night in which families can come visit. He said 2 full-time staff members are at the facility at all times and apprentices serve as night monitors. Councilmember McGowan asked if there are any specific licensure requirements for employees such as CPR training. Mr. Hall said the training is not required however they do seek to employ people who have training. He said directors are trained to be good neighbors and work well with the community. He also said if they were to host an event at the facility, they would make the neighbors aware.

Councilmember Tim Brown asked if there has been any feedback from neighbors and Mrs. Oldham said people in the area have been notified of the facility coming into town and there has not been any feedback. Councilmember Brown asked if the ADA compliance has been completed, and Mr. Hall said it has not been completed because this is a vocational training program so all attendees are self-sufficient and have mobility. However, if a new building were to be built on the campus all entrances and bathrooms would be made ADA compliant, but it is not required since this is an existing structure.

Councilmember Brown asked if this is going to be a nonprofit and Mr. Hall said yes. Councilmember Brown also expressed concerns about the residents of the facility relapsing as well as the facility being close to the Elementary School. He

asked if the property had already been sold, and Mr. Hall said yes. Councilmember Brown expressed concerns about it being purchased before being approved by Council to operate the facility. Mr. DeYoung said they didn't want to lose the chance to acquire the property because he feels a facility like this needs to be in the area.

Councilmember McGowan asked if any of the residents are currently on probation and Mr. Hall said some are. He said Johnston County Probation and the Sheriff's Office are familiar with this business and are in support of it.

Councilmember Dobbin asked about the admission fee of \$700. Mr. Hall said no one is turned away if they are unable to pay the \$700 and Hope Center is able to find organizations to help with the cost. Mayor Byrd said that not everyone is accepted into the program and all who are accepted are well vetted.

Councilmember Dobbin asked if visitors are monitored. Mr. Hall said they are monitored but they are not searched when they arrive at the facility. He also said everyone in the program is tested on a regular basis.

With no other comments or questions from Council, Mayor Byrd closed the public hearing at 7:21pm

Attorney Du Sablon stated Council must vote on each of the findings of fact listed on the special use permit application and the vote should be determined on if the applicant has tendered substantial, competent, and material evidence in support of each of those standards.

Attorney Du Sablon spoke about the additional standards in the town's Unified Development Ordinance stating that no other facility of this type is within a half mile of this facility and that no more than 30 women can live there at once. He said Mrs. Oldham confirmed both of those standards have been met.

A motion was made by Councilmember David McGowan and seconded by Mayor Pro-tem JC Triplett to approve finding of fact 1 "that the use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare." Motion carried unanimously.

Mayor Byrd read finding of fact 2 "that the use or development complies with all required regulations and standards of the Wilson's Mills Development Ordinance and with all other applicable regulations."

Councilmember Brown expressed his concerns from earlier about the facility not being ADA compliant and Attorney Du Sablon said it is not required for an existing structure to be brought up to ADA compliance. He said it would only apply if they were to modify the current structure or built a new one.

A motion was made by Councilmember David McGowan and seconded by Mayor Pro-tem JC Triplett to approve finding of fact 2 "that the use or development complies with all required regulations and standards of the Wilson's Mills Development Ordinance and with all other applicable regulations." Motion carried unanimously.

A motion was made by Councilmember David McGowan and seconded by Councilmember Tim Brown to approve finding of fact 3 "that the use or development is located, designed, and proposed to be operated so as not to

substantially injure the value of the adjoining or abutting property, or that the use or development is a public necessity.” Motion carried unanimously.

A motion was made by Mayor Pro-tem JC Triplett and seconded by Councilmember Carolyn Dobbin to approve finding of fact 4 “that the use or development will be in harmony with the area in which it is to be located and conforms to the general plans for the land use and development of Town of Wilson’s Mills and its environs.” Motion carried unanimously.

A motion was made by Councilmember David McGowan and seconded by Mayor Pro-tem JC Triplett to approve SUP-01-2025 for Parcel ID: 17K080080 at 33 Swift Creek Road to allow a Residential Recovery Program Facility in Town limits with the aforementioned conditions. Motion carried unanimously.

1st OPEN FORUM

Mayor Byrd opened the 1st Public Forum at 7:27pm.

Peter Nalley, Vice President of the Clayton Rugby Club said he is also a member of the Events Committee and wanted to address Council about their agenda item concerning alcohol sales at events on town property. He said that he has noticed attendance is low at events and when there is a high attendance, people do not stay for very long. He said statistics have proven that alcohol sales at events increase the attendance as well as the duration in which people stay at an event.

With no one else wishing to speak, Mayor Byrd closed the 1st Open Forum at 7:30pm.

REGULAR BUSINESS

MAYOR FLETA BYRD:

Mayor Byrd thanked Council for approving the Special Use Permit and said she believes Hope Center will be a good addition to the community in Wilson’s Mills.

TOWN ADMINISTRATOR’S REPORT – Leighanna Worley:

Ordinance Allowing Limited Alcohol Sales and Consumption on Town Property:

Town Administrator Worley referenced the Ordinance and said Attorney Du Sablon would explain further.

Attorney Du Sablon said the ordinance addressed the serving of malt beverages and unfortified wine on town property at events such as rugby games. He said the final approval is subject to approval by the Town Administrator. He said any serving of alcohol would require a special event permit from the ABC Board. He also said this would only allow for the consumption of alcohol sold at the event, the alcohol could not be taken off site, and off-site alcohol would not be allowed into the event.

Councilmember McGowan asked if a permit would need to be issued for each game. Attorney Du Sablon said it would be the company selling the alcohol that would obtain the permit. Councilmember McGowan asked about consumption of alcohol after the event is over and Attorney Du Sablon said the Town Administrator can put a timeframe in place in which alcohol can no longer be consumed or sold.

Councilmember Brown expressed concerns about tailgating and Ms. Worley said this would not allow for tailgating where others can bring in outside alcohol. This would be part of the rugby event and only alcohol sold by the approved vendor with the appropriate permit would be able to be consumed.

Councilmember Brown asked if an officer would need to be present and Chief Williams said he is not sure because there have not been any alcohol related

events at the park prior to now.

Mayor Byrd assured Council that if any problems arise due to the passing of this ordinance the ordinance is able to be repealed.

Councilmember McGowan expressed concerns about the town being liable if someone who consumed alcohol at an event were to cause harm to others or their property after the event. Attorney Du Sablon said the North Carolina Dram Shop Liability Act states any business serving alcohol must comply which imposes on the business serving liability for any injury or damage caused by a person overserved.

A motion was made by Councilmember Tim Brown and seconded by Councilmember David McGowan to approve the following Ordinance Allowing Limited Alcohol Sales and Consumption on Town Property. Motion carried unanimously.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF
WILSON'S MILLS
ALLOWING LIMITED ALCOHOL SALES AND CONSUMPTION ON
TOWN PROPERTY**

WHEREAS, pursuant to Town Ordinance, consumption of alcoholic beverages is strictly prohibited on Town property; and

WHEREAS, the Town Council of the Town of Wilson's Mills finds that allowing limited alcohol sales and consumption to occur on Town property in connection with special events or athletic contests pursuant to the rules and regulations prescribed herein would facilitate interest and attendance at such special events and athletic contests and benefit the economic well-being of the Town; and

WHEREAS, the Town Council of the Town of Wilson's Mills desires to amend its Code of Ordinances to allow limited sales of certain alcoholic beverages on Town property, in accordance with the rules and regulations of the NC Alcohol Beverage Control Commission as set forth in Chapter 18B of the North Carolina General Statutes, and the Town rules and regulations set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WILSON'S MILLS THAT:

SECTION 1: Section 20-53 of the Town of Wilson's Mills Code of Ordinances is amended and rewritten to read as follows:

Sec. 20-53. – Consumption of alcoholic beverages prohibited on municipal property.

(a) It shall be unlawful for any person to possess or consume any beer, wine or other intoxicating beverage at any time or event in any municipal building or on any municipal property.

(b) The terms "intoxicating liquor," "malt beverages," and "wine," fortified or unfortified, shall be defined as in Chapter 18B of the N.C. General Statutes (G.S. Ch. 18B).

(c) Except as otherwise allowed in section (d) hereof, it shall be unlawful for any person to drink, to consume or to possess open containers of malt beverages, fortified or unfortified wine, or any intoxicating liquor on public streets, parking lots or other publicly owned property.

(d) The possession and consumption of open containers of unfortified wine or malt beverages may be permitted on property owned by the Town in connection with a Town-sponsored event, or for a private event, if approved by the Town Council or its designee, the Town Administrator, in accordance with the regulations set out below:

(1) Any such event involving the consumption or possession of alcoholic beverages may be permitted by the Town Council or its designee only after the following are complied with:

- a. The business serving the alcoholic beverages is a participant in the event;
- b. Such business obtains all required ABC licenses and permits;
- c. Such business adheres to the North Carolina General Statutes in Chapter 18B, Regulation of Alcoholic Beverages, and the North Carolina Dram Shop Liability Act;
- d. Such business serving alcoholic beverages serves it within an area designated by the Town Administrator, or in the absence of a specifically defined area, within the boundaries of the municipal property hosting the special event;
- e. Such business serving the alcoholic beverages must agree to provide and pay for appropriate security measures during the time of the event in which the business serves alcoholic beverages as deemed necessary by the Town Administrator and Police Chief; and
- f. Such business complies with any additional Town requirements as approved by the Town Council or its designee, the Town Administrator.

(2) Factors which the Town Administrator shall consider when permitting the sale, service, possession, or consumption of unfortified wine and malt beverages as may be allowed by state law and the ABC Commission pursuant to this subsection include but are not limited to:

- a. That an applicable ABC permit for the special event has been issued by the ABC Commission and the other requirements of section (d)(1) have been satisfied.
- b. The Town's previous experience with the special event organizer and/or the special event.
- c. That the location and time for the special event is appropriate.
- d. That the special event organizer's plans regarding crowd control, cleanup, and other public safety and welfare matters are adequate.

(3) The possession and consumption of open containers of malt beverages and unfortified wine authorized by this section only applies to malt beverages and unfortified wine purchased onsite, during the special event, from businesses which have been approved by the Town Council or Town Administrator pursuant to the section. Under no circumstances are alcoholic beverages purchased or acquired off-site permitted to be possessed or consumed on Town property. Any malt beverage or unfortified wine purchased pursuant to this section can only be consumed on-site during the special event, and taking any such

alcoholic beverage off-site is prohibited.

SECTION 2. If any section, phrase, sentence or portion of this ordinance is held void, invalid, unconstitutional or unenforceable for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3. This ordinance shall become effective upon adoption.

SECTION 4. That all ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**Review of Contract
for Chamber Upfit –
Calvin Davenport
Inc.:**

Paul Fox with Studio 310 referenced the draft contract with Calvin Davenport who was chosen by Council to complete the Council Chamber Upfit project. Mr. Fox introduced the Calvin Davenport representatives, Doug Broughton and Jonathan Parker who is the job superintendent. He said the total cost of the contract is \$1,938,650.

Councilmember McGowan asked about the 5 percent retention listed on the contract and Mr. Fox said that it is standard and works as an insurance policy to make sure everything is being done as promised. He said this is withheld monthly and will go back to the contractor at the end of the project.

Attorney Du Sablon said Council is approving the draft contract amount tonight and he will then look at the contract further to make any revisions needed.

Councilmember Brown asked for clarification on the budget breakdown that was given to Council at the beginning of the meeting. Town Administrator Worley said the grant project fund budget update included the entire 3 million dollar grant that we received, and this project will be using some of those funds. Signage, A/V data, furniture, and appliances, are also included in the breakdown but they will be bid out separately.

A motion was made by Mayor Pro-tem JC Triplett and seconded by Councilmember David McGowan to approve the contract with Calvin Davenport in the amount of \$1,938,650 subject to council review and revision. Please call Gabe about how this should be worded. They basically approved for me to sign the contract after the minor changes recommended by the attorney were made. I signed it yesterday. Motion carried unanimously.

OTHER

Ms. Worley said due to shortages in the Police Department we have ran into the issue of officers accumulating compensatory time that they are unable to take due to needing to pick up shifts to ensure coverage. She said last year we allowed the officers to temporarily earn overtime instead of compensatory time and Chief Williams has asked for that to be put in place again. She said this would start March 25th and continue until it is repealed. Mayor Pro-tem JC Triplett asked if we have recently lost officers. Ms. Worley said one full-time officer is in the Army Reserves and another officer is leaving soon to go to another agency.

A motion was made by Councilmember David McGowan and seconded by Councilmember Carolyn Dobbin to approve the Policy Amendment to the Wilson's Mills Municipal Personnel Policy to allow for Police Officers to earn overtime starting March 25th until the policy is changed or appealed. Motion carried unanimously.

Councilmember Jernigan asked if there are issues with built-up compensatory time in other departments and Ms. Worley said there are no issues in other departments. She also said she will work with Chief Williams to make sure the overtime allowance with the officers is not abused. Councilmember Brown and Councilmember Jernigan expressed concerns about other departments not being eligible to earn overtime rather than compensatory time.

**Call Special Meeting
for March 20, 2025:**

Ms. Worley said since Council's first budget session was canceled due to inclement weather on February 20th their budget discussion was moved to their February work session. Due to the original meeting being canceled Council will need to call a special meeting for their next scheduled budget session this Thursday, March 20 at 4:00pm.

A motion was made by Councilmember Randy Jernigan and seconded by Councilmember David McGowan to call a Special Meeting for Thursday March 20, 2025, at 4:00pm in the Wilson's Mills Elementary School Cafeteria. Motion carried unanimously.

**COUNCILMEMBER
COMMENTS:**

Mayor Byrd thanked Council for being attentive to everything happening in town.

Councilmember Jernigan asked if someone could talk to DOT about the congestion on Wilson's Mills Road and Mayor Byrd said Ms. Worley has a meeting with them on Thursday and can bring it up.

Councilmember Brown said he thinks we should have one public forum in meetings rather than two.

2nd OPEN FORUM

Mayor Byrd opened the 2nd Public Forum at 8:24pm.

With no one wishing to speak, Mayor Byrd closed the 2nd Open Forum at 8:26pm.

ADJOURN:

A motion was made by Mayor Pro-tem JC Triplett and seconded by Councilmember Randy Jernigan to adjourn. Motion carried unanimously.

The meeting adjourned at 8:27pm.




FLETA A. BYRD, Mayor


EMILY MATTHEWS, CMC
Town Clerk